IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14120 of 2005

Between:

1 Parchuri Sambaiah, S/o.Rangaiah,
R/o.Ananthavarappadu, Vatticherukuru (M), Guntur district.
2 Konaganti Venkaiah, S/o.Sitaramaiah,
R/o.Ananthavarappadu, Vatticherukuru (M), Guntur district.

..... PETITIONERS

AND

1 The Panchayat Secretary, Gram Panchayat, Ananthavarappadu,

Vatticherukuru (M), Guntur District.
2 The Mandal Revenue Officer, Vatticherukuru Mandalam, Guntur District.
3 The District Collector, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents as illegal, irregular and direct the respondents not to evict the petitioners from their possession of the shops in Sy.No.153, situated abutting the road connecting Ananthavarappadu-Vatticherukuru Road in Ananthavarappadu Village in Vatticherukuru Mandal, Guntur district.

Counsel for the Petitioners: MR.G.RAMA SARMA

Counsel for the Respondent No.1: M.PRABHAKAR RAO

Counsel for the Respondent Nos.2 and 3: GP FOR REVENUE

The Court made the following :

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ORDER:

Aggrieved by the eviction notice, dated 18-06-2005, issued by the Panchayat Secretary, Gram Panchayat, Ananthavarappadu, directing the petitioners to vacate the premises in Sy.No.153 of Ananthavarappadu village within 15 days of receipt of the notice under clause 98 (1) of Panchayat Raj Act 1966, the present writ petition has been filed.

2 . Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

3. The learned counsel for the petitioners submits that petitioners 1 and 2 are eking out their livelihood by running tea stall and tubes business respectively for the past twenty years without any obstruction from any quarter. The learned counsel further submits that on 19-06-2005 petitioners having noticed the notice in question affixed on their shops, went to the office of the M.R.O., Vatticherukuru, and where the authorities concerned tried to serve the notice on them and they refused to receive the same, but surprisingly, on the next day, i.e., on 20-06-2005 the said notices were plucked out.

4. Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, at the stage of admission, giving two weeks time from today to the petitioners to submit their explanation to the said notice and thereafter the respondents are directed to dispose of the same in accordance with law within a period of eight weeks. Till such time, the respondents shall not evict the petitioners from the land in question.

5. The Writ Petition is disposed of accordingly. No order as to costs.

E.DHARMA RAO, J.

Dated 01-07-2005.

SKMR

..... REGISTRAR

Copy to:

1 The Panchayat Secretary, Gram Panchayat, Ananthavarappadu,

Vatticherukuru (M), Guntur District.
2 The Revenue Officer, Vatticherukuru Mandalam, Guntur District.
3 The District Collector, Guntur District.

4 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

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